

DEPOSITOR FILES SUIT FOR RECOVERY

Lee Alleges That Commonwealth Bank Branch Accepted Money When It Was Insolvent.

WANTS \$1,099.25 RETURNED

Deposit Made on August 18, Eleven Days Before Doors Were Closed.

Complainant that he deposited in the Fulton branch of the Commonwealth Bank, Incorporated, a check for \$1,350, made payable to himself, on August 18, 1913, when the bank was insolvent, and while the officers of the bank were hypothecating collateral and were borrowing money to avert impending failure. F. H. Lee filed a petition in the Chancery Court on January 9 asking that the receivers return to him \$1,099.25, with interest from the date of deposit.

The petitioner states that the check was received by J. E. Harding, assistant cashier of the Fulton branch, and was by him mingled with the other funds of the bank. Mr. Harding is father of John H. Harding, bookkeeper at the Commonwealth Bank, who now stands charged with the theft of more than \$12,000 from the bank in which he was employed. With his wife, Mr. Harding is joint bondman in the sum of \$5,000 for the appearance of his son in Police Court on January 22.

Not Made Public When Filed. Though the petition was filed on January 6, when the supplementary report of the receivers incriminating John H. Harding in the embezzlement of funds of many varying amounts was also filed, it was not made public by the clerk of the Chancery Court until yesterday.

Accompanying the exhibit, and filed as exhibit "A," is Mr. Lee's bank book, showing that he made the check deposit on the date named, and that he checked out \$50.75 on August 28, the day before the public announcement of the failure of the bank was made, and that a note for \$260 was charged to him on August 24, leaving a balance on the account of \$1,099.25. The bank book also shows that Mr. Lee had been a depositor in the Commonwealth Bank since November 15, 1910. It runs to August 29, the day when the bank was closed, when the book's balance shows that he had on hand a total of \$1,232.50.

After citing the fact that the deposit was made on August 18 and that two sums were checked out against the amount, the petitioner says:

"He alleges and charges that the taking of the aforesaid check and deposit of \$1,250 by the said bank and its officers and agents at the time, and under the facts and circumstances above indicated and narrated, constituted a fraud on the petitioner, and that, by operation of the law, the bank then and there instantly became, and the said receivers have now become, a constructive trustee and constructive trustees, respectively, of the said deposit for the benefit of the petitioner, and that he is entitled to recover the whole of the said sum, so deposited by him, as aforesaid, with interest from the date of deposit."

That on the 20th day of August, 1913, the above entitled suit (the State Corporation Commission against the Commonwealth Bank, Inc.) was instituted in this court, and that upon reading the bill, and having produced be-

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Victor or Victor-Victrola

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Victors, \$10 to \$100.

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Walter D. Moses & Co., 103 E. Broad Street, Oldest Music House in Virginia and North Carolina.

fore it satisfactory evidence of the bank's insolvency and inability to meet its obligations, this honorable court appointed, pursuant to the statute for such cases made and provided, receivers to take charge of and hold the assets of the said bank, and for other purposes.

"Your petitioner therefore prays, (a) That the said receivers, namely, James W. Gordon and John B. Lightfoot, Jr., appointed by the court on this cause on the 30th day of August, 1913, be required to answer this petition, but not on oath, oath being expressly waived;

"(b) That the said Commonwealth Bank, Inc., be likewise required to answer the same;

"(c) That all necessary references may be had, accounts taken and orders entered as may be necessary and proper;

"(d) That your petitioner may be declared and held to be entitled to receive in entirety the said sum of \$1,099.25, with interest from August 18, 1913, and that the same may be directed to be paid out of any funds now in the hands of the said receivers, or to come into their hands;

"(e) That the court may find and declare that such sum was held by the bank, and is now held by the said receivers, as trustee and trustees, respectively, for the benefit and on account of the petitioner, and may enter such order, and do such action as will fully protect the petitioner's interest in the subject matter, and may decree to him, out of the first funds coming into the hands of the said receivers, the payment of the entire sum, with interest from the date of the said deposit;

"(f) And that such further relief may be granted as may be expedient and proper."

Law on the Subject. Mr. Lee made his deposit on August 18, eleven days before the bank was closed, and he charges that his check was collected and mingled with other funds in the bank, while it was then insolvent and while the officers were vainly endeavoring to forestall the impending failure.

Section 117 of the Acts of Assembly of 1910 says:

"Any officer or employee of any bank, banking institution, savings bank, savings society, or savings institution who shall take and receive money from

any depositor with the actual knowledge that the said bank, banking institution, savings bank, savings society, or savings institution is, at the time insolvent shall be guilty of embezzlement, and shall be punished by a fine double the amount so received, or he shall be confined in the penitentiary not less than one nor more than three years, in the discretion of the jury, for each offense."

The same act applies to any officer of a bank who shall "permit" money to be received from a depositor with the actual knowledge that the bank is at the time insolvent.

GETS ROYAL RECEPTION.

Forbes-Robertson Gives Matinee to Audience Largely of Actors. (Special to The Times-Dispatch.) New York, January 9.—Forbes-Robertson gave a professional matinee "Hamlet" to-day at Manhattan Opera House in response to the request signed by all the leading actors and actresses in New York, over 3,000 attending the performance, which proved the most representative affair of its kind ever known. Scenes of greatest enthusiasm prevailed. Forbes-Robertson and Gertrude Elliott, repeatedly were recalled, and he was compelled to express acknowledgment in graceful and touching speeches to his "brothers and sisters." Among innumerable other well-known artists and managers occupying boxes and orchestra were Maude Adams, Laurette Taylor, Frances Starr, Jane Cowie, Elsie Ferguson, Lydia Kiazist, Alexandra Carlisle, Rose Stahl, Kith Cheatham, Cyril Maude, Leo Ditrichstein, Robert Hillen, George Grossmith, Rachel Crothers, Mrs. Flexner, Mrs. Joseph Brooks, Dan Frohman, Harrison Grey Fliske, Blanche Bates, W. H. Crane, Amelia Bingham, Douglas Fairbanks, Jordan von Kannel, besides about fifty companies playing in New York City.

VILLA'S FORCES NEARING OJINAGA

Probable Time of Renewal of Attack Not Indicated in Report.

Ojinaga, Mexico, January 9.—Reports brought to the Federal army headquarters to-day were that General Francisco Villa's forces, numbering 6,200 men, were drawing near, but the probable time of the renewal of the attack on Ojinaga was not indicated.

The Federal generals were inclined to believe the rebels would be in position to begin an attack for several days.

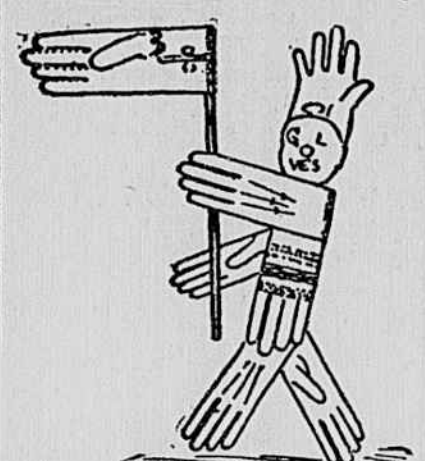
Strengthening Border Patrol. Washington, January 9.—Prolongation of the revolution in Mexico is believed here to depend largely upon the success attending the rebels in enforcing circulation of state bank notes. Officials here think the test of the popular approval of the new government will be found in the manner in which Mexican business interests are able to move.

In preparation for another clash between the Mexicans near Ojinaga, Brigadier-General Bliss, commanding the American border force, is strengthening the patrol at that point and officers are making to care for refugees.

Under Secretary Garrison's orders, privates of either side, if defeated are to be taken to the rear and the American forces are facing a serious military problem which may involve the evacuation of the border and the loss of thousands of troops, but their subsequent internment.

The only direct news from the West coast of Mexico to-day came in a telegram from Admiral Cowles dated at Mazatlan yesterday, stating that there was no visible sign of attack on that city.

GLOVES Signal You To-day



Greatly Reduced Prices on Gloves and Gauntlets

50c Gloves at 39c
\$1.25 Gloves at 89c
\$1.75 and \$1.50 Gloves at \$1.29
\$2.50 Gloves at \$1.95
\$3.50 Gauntlets at \$2.95
\$4.50 Gauntlets at \$3.95
\$6.00 Gauntlets at \$4.95
\$8.00 Gauntlets at \$6.29
\$10.00 Gauntlets at \$7.95

PREDICTS VICTORY FOR ENABLING ACT

Hough Says Measure Will Pass Legislature Without Prohibitive Amendments.

[Special to The Times-Dispatch.] Norfolk, Va., January 9.—President J. W. Hough, of the Virginia Anti-Slavery League, said to-day that the State-wide prohibition enabling act will pass the incoming Legislature without prohibitive amendments, and expressed the belief that the act will pass within fifteen days after the General Assembly convenes.

President Hough said the House of Delegates will kill any prohibitive amendment attempted in the Senate. He declared that even the "wets" are now conceding that the enabling act will become a law.

It has not yet been determined who will introduce the enabling act. President Hough of the Anti-Slavery League said the league will hold a big State convention in Richmond January 21-23, with 1,000 delegates, from every county and city in the State in attendance. It is planned to have this convention held in Richmond in the midst of the enabling act fight in the Legislature. The convention will be held at Seventh Street Baptist Church, not far from the State Capitol itself.

Remarkable Christmas Present

Among the curious Christmas presents of this year will be one for a man of national reputation, which has been all year in the making.

On January 9, the present was decided upon, and a friend of the prominent gentleman requested the Burrelle Press Clipping Bureau, of New York, to watch every paper in America and to take up every item which appeared concerning the man.

The clipping bureau people followed instructions, and now present the history of one year in the life of this special man.

The history ends just after election, and the 29,442 newspaper items found include everything, from a three-line editorial mention to full-page illustrated stories. These have been mounted on 3,200 great sheets of Irish linen paper and bound into three massive volumes.

At the head of each item is the name and date of paper clipped from, this information having been put in with a book typewriter. The words thus inserted amount to 152,252.

In actual time, a very strict record of which has been kept, the work has required sixty-four working days throughout the year, and has kept in employment during that time thirty people as readers, clippers, sorters, mounters and binders. Every newspaper of importance is represented.

This is merely a specimen of some of the unique orders which get into the Burrelle Bureau, for the extent to which clippings are used by individuals and by business concerns seems to be remarkable.

There are many people in private as well as in public life who need press clippings and don't know it. It might well be for them to look up this man Burrelle, who is said to be so well known that a letter simply addressed "Burrelle, New York," will reach him with no delay. (Advertisement.)

Dead Animals Removed Free

PROMPT SERVICE, SANITARY DISPOSAL. Two Telephones: Monroe 1140 or Monroe 583.

Richmond Refining Co.

New Malaga Grapes, lb. 12c
New Cranberries, quart 12c
Fresh Nearby Eggs, dozen 32c
New Dates, lb. 9c

S. Ullman's Son

Down Town Stores: 1820-1822 E. Main. Uptown Store: 508 E. Marshall.

PARKER'S HAIR OIL. Cleanses and beautifies the hair. Promotes growth and prevents falling out. It is the best hair oil in the world. Price, 50c per bottle.

FIGHT ON WILLIAMS CERTAIN IN SENATE

Confirmation of Richmond Man as Comptroller of Currency Will Be Resisted.

MAY BE SENT IN NEXT WEEK

Practically Entire Membership of Virginia Delegation Give Him Support.

[Special to The Times-Dispatch.] Washington, January 9.—Rumors were revived at the Capitol to-day that when President Wilson sends the name of John Skelton Williams, of Richmond, to the Senate to be confirmed as Comptroller of the Currency, which he is expected to do about the middle of the coming week, a red-hot fight will be made on the nomination when Senators Martin and Swanson bring up the matter in executive session.

While it seems apparent that the nomination will be held up pending the usual investigation made in such cases, it is true that Senators Swanson and Martin will swing squarely back of Mr. Williams, and they will make a determined fight to put the nomination through at the earliest possible time. It is not believed, with the powerful influence which the two Virginia Senators will exert, that those who are opposing Mr. Williams will do any more than postpone confirmation, which means a delay in Mr. Williams taking the office of Comptroller of the Currency and becoming a member of the Federal reserve board.

For some time it has been known that there was strong opposition in the Senate to the appointment of Mr. Williams to that office, and it is said that the President withheld the nomination pending the final action on the currency bill because of the effect that his appointment might have had on the fortunes of that measure.

Just before adjournment of the Senate for the Christmas recess Republican Senators were approached by the administration Democrats and asked if they would oppose immediate confirmation of Mr. Williams if the President sent his name to the Senate. They replied most emphatically that they would oppose any hasty action and that they would ask to have a number of matters explained to them before they would consent to the confirmation of Mr. Williams.

"The office of Comptroller of the Currency has always been one of the greatest importance under our national banking laws," said a Senator to-day, "and since under the new currency law he is also to be a member of the Federal Reserve Board the importance of the office is enhanced, if anything."

Not only will the two Virginia Senators be present at the entire membership of the Virginia delegation in Congress, support Mr. Williams. Senator Swanson and Representative Glass say they are certain of his appointment. Just how the opposition expects to overcome this tremendous influence and that of Secretary McAdoo and even the President himself, has not yet been developed.

TO SAVE HIMSELF FROM CONVICTION

Wealthy Man, Under Bond as "White Slaver," Will Go to Highest Court in Land.

[Special to The Times-Dispatch.] Mobile, Ala., January 9.—J. M. Foster, the wealthy poultry farmer and son of the president of the International Correspondence Schools, is under bond here for alleged violation of the Mann white slave act, declared to-night he will go to the highest court in the land to save himself from conviction. He is charged with bringing his young stenographer, Delilah Bradley, from her home in Pemberton, N. J., to this city and New Orleans, and living with her as his wife since December 19, 1913.

The Bradley girl was in a jolly mood to-night, after being evicted from a fashionable hotel, and granted reporters a brief interview in which she said that Foster had told her he was unhappy with his wife.

"Mr. Foster filed suit for divorce against his wife this very day," she said, "and he is going to stay right here and marry me and go into business."

Local people now recall that the Bradley girl was one of the gayest members of a party in a local cafe on New Year's Eve, and was a wonderful evening gown, one of the many costly creations she appeared in after Foster had engaged a fashionable French dressmaker for her. Among Foster's presents to her was a cabinet grand piano, delivered on the day of his arrest.

A mysterious W. H. Binder, of Philadelphia, came here and conferred with Foster. It is reported that Binder advised him to leave the girl and go to South Africa, and that Foster refused to consider the advice.

Foster refused to-day to talk to reporters. He is spending much time with his attorneys, who are making an exhaustive study of all records of white slave cases. There is promise of a great legal battle.

Rudford Board to Meet Here. Notice has been sent to the members of the board of trustees of the Rudford State Normal School that the board will meet in Richmond on Wednesday to hear the report of the subcommittee which recently investigated the charges made by Editor W. J. Noel, treasurer of the school.

Police Court Cases. Eddie Timberlake, alias Tillman; Walter Williams and Fletcher White, colored, charged with stealing \$125 from Charlie Southard, were arraigned in Police Court yesterday morning. Williams was dismissed, but the other two were sent on to the grand jury.

James Davis, colored, charged with assaulting and beating the jaw of Carrie Bowman, was sent on to the grand jury.

BUCKNER FUNERAL TO BE HELD TO-DAY

Body Will Be Taken From Family Home to Frankfort for Interment.

Munfordville, Ky., January 9.—The body of General Simon Bolivar Buckner, who died at his home, "Glenn Lilly," near here, last night, will be conveyed by special train to-morrow

WEISBERGER'S THE STORE FOR THE PEOPLE

Store Opens Saturday at 9 A. M. and Closes at 9 P. M.

January Clearance Of Men's \$17.50 Suits and Overcoats \$11.75

A sale of Men's Suits and Overcoats to-day that will interest every man in Richmond; superior qualities at a wonderful price will prove mighty attractive in every sense of the word.

The Suits show a broad range of materials in all the wanted patterns and colors, with perfect tailoring; style and fit; in fact, those who know values when they see them will agree with us that they are the best they have ever seen.

The Overcoats, too, will meet with your instant approval, embracing as they do such distinctive styles, materials and tailoring qualities.

Men's Section, First Floor, Just inside the door.

January Clearance Of MEN'S GOODS

50c Men's Fleece Lined Shirts and Drawers, gray with white fleecing; a splendid regular 50c garment, just special for Saturday at 29c

79c Men's Dress Shirts, with attached cuffs; a good assortment of patterns and colors to select from; all sizes; a great bargain Saturday at 55c

Men's \$1.00 Union Suits, the famous "Blood Latch Needle," a garment that stands for one dollar's worth everywhere; 79c our price for Saturday....

50c Men's and Young Men's Caps, in some of the very latest shades and colors; all sizes from 6 3/8 to 7 7/8; one of the greatest bargains at 37c

Men's Medium Weight Socks, in different colors; also black with white foot; special lot on sale Saturday at 9c

50c Men's Heavy Ribbed Shirts and Drawers; our regular 50c value, for Saturday selling 39c at

to Frankfort for burial. The widow, relatives and about twenty close friends of the family will accompany the remains of the last surviving lieutenant-general of the Confederate army from this city to the State capital.

Announcement was made this afternoon at the Buckner home that the funeral train will leave Munfordville about 10 o'clock to-morrow morning, and is expected to reach Frankfort about 3 o'clock in the afternoon. Burial will take place immediately after the train's arrival.

General Buckner's family to-day received messages of condolence from many persons prominent in political and military circles from all parts of the country.

General Buckner's death was due to infirmities of age. Mrs. Buckner and the general's only surviving child, Lieutenant Simon Bolivar Buckner, Jr., United States Army, who is stationed at Fort Thomas, were at his bedside when he died.

General Buckner died in the same house in which he was born April 1, 1823. The old structure had been remodeled from time to time, and is one of the famous residences in Kentucky. General Buckner's father, Colonel A. H. Buckner, also was a soldier serving in the War of 1812. He was descended from the Buckners of England, who settled in Virginia in 1835.

General Buckner's first wife died in 1872, and in June, 1883, he married Miss Della Claiborne, of Richmond.

General Buckner was a close personal friend of General U. S. Grant, and was one of the pallbearers at the latter's funeral.

Property Owner in Chicago. Chicago, January 9.—The death of General Buckner last night recalls his struggle here after the close of the Civil War to recoup his fortune and to fight the war, in which he attained the rank of lieutenant-general in the Confederate army. General Buckner owned property in what is now the heart of Chicago's business district. To avoid confiscation at the outbreak of the war he decided to go to a brother-in-law who served in the Federal army. His brother-in-law, who was mortally wounded, left a will vesting all the property to General Buckner. Title was not perfected, however, until after long and expensive litigation. A building was then erected on the property and later the general sold it for \$500,000.

During the litigation over the Chicago property it was said General U. S. Grant, a classmate at West Point, offered General Buckner his private purse.

In the early eighties, when General Grant met with financial reverses in New York, General Buckner hastened to tender his assistance. General Buckner was one of the pallbearers at General Grant's funeral.

OBITUARY

[Charles A. Lewis. (Special to The Times-Dispatch.)] Fredericksburg, Va., January 9.—Charles A. Lewis, a well-known Confederate veteran of this city, died last

night, after a brief illness, aged sixty-nine years. He is survived by seven children.

[J. C. W. Embrey. (Special to The Times-Dispatch.)] Fredericksburg, Va., January 9.—J. C. W. Embrey, a prominent citizen of Stafford County, died yesterday at his home, after a lingering illness, at the age of twenty-eight years. His wife, three sons and three daughters survive him.

[Robert L. Bruce. (Special to The Times-Dispatch.)] Gordonsville, Va., January 9.—Robert L. Bruce died suddenly at his home, in the Green Springs, Louisa County, about eight miles from Gordonsville, on Tuesday night. He was about seventy years of age, and is survived by his widow. He was one of the most prosperous farmers in the Green Springs, owning one of the largest and best farms in that section of the State. He was brought to Gordonsville on Thursday morning, and interred in Maplewood Cemetery.

[Dr. S. E. Young. (Special to The Times-Dispatch.)] Pulaski, Va., January 9.—Dr. S. E. Young, physician for the General Chemical Company at Goshan Mills, in Carroll County, died yesterday afternoon from a complication, following an illness. He was a native of Carroll County, and is survived by a widow and one child. He was about fifty-five years old.

[Mrs. Susan Clay. (Special to The Times-Dispatch.)] South Boston, Va., January 9.—Mrs. Susan Clay, aged seventy, died at the home of John Estes, on upper Main Street, early this morning, and the interment will be made at Oak Ridge Cemetery to-morrow afternoon. She is survived by one daughter, Mrs. S. H. Hupp, of Houston, and two sons, Will and George Clay, of this place.

DEATHS

JOLLY.—Died, January 9, at 11:30 A. M., at the home of her parents, 23 South Pine Street, MARTHA JOLLY, aged twenty-two years, daughter of Mr. and Mrs. Robert Jolly. She leaves two sisters and two brothers to mourn their loss.

Dear Martha, thou hast left us. We thy loss most deeply feel. But 'tis God who has bereft us. He can all our sorrows heal.

Yet again I hope to meet her. When that day of life is fled; Then in heaven with joy to greet thee. Where no farewell tears are shed. BY HER MOTHER.

WOODSON.—Died, January 9, 5 P. M., at her residence on Fulton Hill, Mrs. D. P. WOODSON, wife of F. R. Woodson. She leaves the following to mourn their loss: Mrs. W. A. Rudisill, of Hickory, N. C.; Charlie Woodson, of Council Bluffs, Iowa; Frank Woodson, Jr., of Atlanta, Ga.; Mrs. J. A. Allen, of Richmond; also two sons, Mrs. M. A. Allen, of New Albany, Ind., and Mr. Tom Beard, of Fort Smith, Ark.

AUGUSTINE.—Died, last night at 10 o'clock, at the home of Carrie Bowman, Grace Street, after a long illness. JAMES AUGUSTINE. Funeral notice later.

This Big Safe Bank

A cordial invitation is extended to even the smallest depositor to make this his bank.

Our savings department will extend all those courtesies and elements of service which make it really helpful.

We want to see the small accounts grow into big ones, and help with interest at 3%, compounded semiannually.

Come in to-day. Open that account with us. Glad to have you.

Planters National Bank

Capital and Surplus \$1,800,000

Let's Get Busy

Don't let the first month of the New Year slip away while you ponder and hesitate; don't wait for business to pick up---pick it up yourself by installing electric power and reducing your operating cost.

Let us give you a report on your plant operated ELECTRICALLY.

We Can Save You Money
Phone Madison 3400

Virginia Railway & Power Co.
Seventh and Franklin Sts.

The Weather

Forecast: Virginia—Unsettled and colder Saturday; much colder at night; Sunday fair.

North Carolina—Colder and generally fair Saturday; much colder at night, with freezing temperature; Sunday fair.

Special Local Data for Yesterday.

12 noon temperature.....	57
3 P. M. temperature.....	61
Maximum temperature up to 8 P. M.	62
Minimum temperature up to 8 P. M.	62
Mean temperature.....	48
Normal temperature.....	38
Excess in temperature.....	10
Excess in temperature since March 1.....	109
Accumulated excess in temperature since January 1.....	22
Deficiency in rainfall since March 1.....	34
Accumulated excess in rainfall since January 1.....	1.47

Local Observations 8 P. M. Yesterday.

Temperature.....	56
Humidity.....	56
Wind—direction.....	S. W.
Wind—velocity.....	13
Weather.....	Cloudy

CONDITIONS IN IMPORTANT CITIES.

Boston.....	36	40	34	Rain
Buffalo.....	36	42	36	Cloudy
Calgary.....	42	50	30	P. cloudy
Charleston.....	58	60	50	Clear
Chicago.....	34	38	34	Cloudy
Denver.....	42	46	36	Cloudy
Duluth.....	10	14	10	Snow
Galveston.....	62	72	62	Clear
Hartford.....	58	62	52	Cloudy
Havre.....	58	62	52	Cloudy
Jacksonville.....	64	72	51	Rain
Kansas City.....	39	44	36	Cloudy
Louisville.....	42	46	36	Cloudy
Montgomery.....	68	74	52	P. cloudy
New Orleans.....	68	78	62	Cloudy
New York.....	38	42	38	Cloudy
Norfolk.....	56	58	46	Cloudy
Oklahoma.....	36	46	34	Clear
Pittsburgh.....	38	42	38	Rain
Raleigh.....	58	62	44	Clear
St. Louis.....	32	40	32	Cloudy
St. Paul.....	14	16	14	P. cloudy
Salt Lake.....	42	46	32	Clear
Savannah.....	66	70	48	Clear
Spokane.....	34	36	32	Cloudy
Tempe.....	68	72	52	Rain
Washington.....	54	58	30	Cloudy
Winnipeg.....	4	2	-4	Clear